

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q87267

Masahiko HATA

Appln. No.: 10/530,562

Group Art Unit: 1792

Confirmation No.: 8996

Examiner: Felisa Carla HITESHEW

Filed: April 7, 2005

For: METHOD FOR PRODUCING THIN FILM CRYSTAL WAFER, SEMICONDUCTOR
DEVICE USING THE SAME AND METHOD FOR PRODUCING THE
SEMICONDUCTOR DEVICE

STATUS INQUIRY AND REQUEST FOR ACTION

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests to be advised of the status of the above-identified application and requests the Patent Office to mail an Office Action on the merits or other appropriate action or notice for the following reasons.

An Office Action dated November 26, 2008, in which claims 8, 9, 11, 12 and 14 were indicated to be allowed and claims 10 and 13 were subject to restriction requirement, was issued and received in the present application.

Since the restriction requirement was plainly improper, Applicant's representative called and spoke to Examiner Hiteshew on **December 13, 2007**. During the conversation, Applicant's representative noted with appreciation that Claims 8, 9, 11, 12 and 14 were allowed. Applicant's representative pointed out that the Group II claims (Claims 10 and 13) were method claims (not composition claims as indicated in the Action) that depend from allowed claims, and should be

allowed also. Applicant's representative also pointed out that the restriction requirement was improper.

The Examiner advised that she would have to review the case and would get back to Applicant's representative on December 13th or 14th. However, Applicant's representative did not hear back from the Examiner.

Applicant's representative called the Examiner again on **December 17, 2007**, left a message and requested a return call.

The Examiner called Applicant's representative back and advised that she had updated her search and found new prior art. The Examiner stated that she would issue a new Office Action rejecting Claims 8-14, which Applicant could expect to receive sometime in the following week.

By **January 23, 2008**, Applicant had not received a new Office Action in the present application to replace the improper restriction requirement mailed November 26, 2007.

Applicant's representative called and spoke to Examiner Hiteshew on **January 23, 2008**, asking her what the status of this case was.

The Examiner initially said that she would fax Applicant's representative the "redone restriction" in "about 10 minutes." She said the "redone restriction" included an MPEP citation on restriction practice which she had not included previously. The Examiner indicated that she had prepared the "redone restriction" prior to Applicant's representative's call, and that it should have been sent out previously by the Office.

Later, the Examiner called Applicant's representative again and said that she had discussed the case with her new supervisor and that they decided to reconsider the Restriction

Requirement. The Examiner said that she would “go back to the Amendment filed October 31, 2007” and issue a new Office Action. Applicant’s representative asked her to withdraw the Restriction Requirement and issue a new Office Action restarting the period for response. The Examiner advised that she would issue a new Office Action, withdrawing the Restriction Requirement and restarting the response period.

The Examiner advised that Applicant could expect a new Office Action in a week or two. No Action was received.

On **February 11, 2008**, Applicant’s representative again called and spoke to Examiner Hiteshew, asking her what the status of this case was.

The Examiner advised that she allowed the case, but she did not know where it was then, and it was probably being reviewed. Applicant’s representative checked in the USPTO private PAIR record system, but did not see any Notice of Allowance.

By **February 25, 2008**, Applicant has not received the Notice of Allowance for the present application. Applicant’s representative checked in the USPTO private PAIR record system, but did not see any indication of a Notice of Allowance.

Applicant’s representative then called and spoke to Examiner Hiteshew on **February 25, 2008** regarding the status of the case. The Examiner advised that she allowed the case, but she could not explain why the Notice of Allowance had not been mailed. The Examiner suggested that Applicant’s representative call her supervisor, Mr. Michael Barr.

Applicant’s representative then spoke to Mr. Barr. Mr. Barr advised that the present application was “currently” in allowed status but the Notice of Allowance had not been mailed. He stated that the allowance may be undergoing “secondary review”, which he advised is

standard USPTO policy. Mr. Barr advised that Applicant did not need to take any action at that time.

By **March 19, 2008**, Applicant has not received a Notice of Allowance or other communication from the USPTO in the present application. Applicant's representative checked in the USPTO private PAIR record system, but did not see any indication of a Notice of Allowance.

Applicant's representative again called the Examiner's supervisor, Mr. Michael Barr. Mr. Barr advised that the present application was "currently" in allowed status but the Notice of Allowance had not been mailed. Mr. Barr stated that the allowance was undergoing "secondary review", which he again advised is standard USPTO policy. He did not know when the Notice of Allowance would be mailed. Mr. Barr also advised that the status of the case was "allowed" in the Patent Office's system and the Patent Office was not expecting any response from Applicant.

On **April 25, 2008**, Examiner Hiteshew faxed Applicant's representative a copy of internal comments from the Quality Review Personnel at the USPTO with regard to the patentability of the present claims and requested a telephonic interview relative to Quality Review's findings. The Examiner indicated that she would like to work with Applicant to address Quality Control's concerns, "[m]aybe amending the claims to overcome the reference," and to place the application in condition for allowance, if possible.

On **May 8, 2008**, Applicant's representative called the Examiner and advised her of Applicant's request for a new, formal written Office Action.

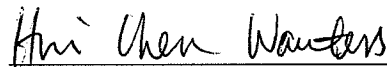
Applicant has not received any communication from the Patent Office since then.

On **December 1, 2008**, Applicant's representative attempted to contact Examiner Hiteshew inquiring the status of the case. However, Applicant's representative was not able to reach the Examiner since she is on maternity leave at least until January 12, 2009.

Applicant's representative then contacted Examiner's former and present supervisors, Mr. Michael Barr and Mr. Mikhail Kornakov, respectively.

On **December 8, 2008**, Applicant's representative spoke to Mr. Kornakov and the following day, **December 9, 2008**, Applicant's representative spoke to Mr. Barr. Based on her conversations with Messrs Kornakov and Barr, the undersigned is unclear as to what the status of this application is. The Office is therefore respectfully requested to advise Applicant in writing what the status of this application is, so that appropriate steps can be taken to advance the prosecution.

Respectfully submitted,



Hui C. Wauters
Registration No. 57,426

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 16, 2008